

CITY OF ISSAQUAH

MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

Description of Proposal: Proposal to construct one 2,943 SF commercial building (dentist office) on a 0.416 acre site. The North Fork of Issaquah Creek is located along the west portion of the site, and the site is within the shoreline jurisdiction of Issaquah Creek. A vacant house is located on the property. Proposed development would be accessed from one driveway off of 221st Place SE and 10 on-site parking stalls are proposed.

Proponent: Dudley Silas
4127 93rd Place SE
Mercer Island, WA 98040

Permit Number: BLD16-0210

Location of Proposal: 5655 221st Place SE

Lead Agency: City of Issaquah

Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Comment/Appeal Period: This Mitigated Determination of Nonsignificance is issued under WAC 197-11-340(2) and 197-11-680(3)(a)vii, and is based on the proposal being conditioned as indicated below. There is a 21-day combined comment/appeal period for this determination, from **September 23, 2016 to October 14, 2016**. Anyone wishing to comment may submit written comments to the Responsible Official. The Responsible Official will reconsider the determination based on timely comments. Any person aggrieved by this determination may appeal by filing a Notice of Appeal with the City of Issaquah Permit Center. Appellants should prepare specific factual objections. Copies of the environmental determination and other project application materials are available from the Issaquah Development Services Department, 1775 12th Avenue NW, Issaquah, WA 98027.

Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250.

Notes:

- 1) This threshold determination is based on review of a site plan, preliminary drainage/grading plan, utility plan, and landscape plan received September 2, 2016; environmental checklist received May 17, 2016; wetland reconnaissance and stream information received May 16, 2016 and August 31, 2016 (Gary Schulz), Preliminary Storm Drainage Calculations (Technical Information Report) received May 16, 2016 and September 2, 2016 (revised) (Core Design); Traffic Study, received May 16, 2016 (Transportation Solutions, Inc.); and other documents in the file.
- 2) Issuance of this threshold determination does not constitute approval of the permit. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate development activities, including the Land Use Code, Critical Area Regulations, Shoreline Master Program, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

Findings:

1. Environmental Critical Areas – The North Fork of Issaquah Creek is located along the west portion of the site. The North Fork of Issaquah Creek is a Class 2 stream with salmonids and requires a 100-foot buffer. The main-stem of Issaquah Creek is located off-site further to the west, but the site is located within the shoreline jurisdiction of Issaquah Creek. The applicant provided a wetland reconnaissance report and the ordinary high water mark (OHWM) was flagged in the field.

The applicant proposes to reduce the stream buffer of the North Fork of Issaquah Creek by area by 3,102 SF; reducing the buffer width by a maximum of 25%, from 100 feet to 75 feet. The full buffer area would be enhanced with native vegetation over a mitigation plating area of 9,166 SF.

Additionally, a public pedestrian access easement is proposed which would allow for a future trail. This is consistent with the Issaquah Critical Areas Regulations. The rationale is that enhancement of an existing degraded buffer area with native vegetation improves buffer functions equal to or greater than applying the larger standard buffer width.

The Critical Areas Regulations require activities and development on sites containing critical areas to avoid and minimize impacts the critical area. Based upon review of the site plan and application materials, a portion of the standard 100' buffer (located at the north portion of the property) can and shall be fully or almost fully preserved.

Final stream buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Enhancement plans shall be prepared by a qualified professional. Final plans shall include a detailed planting plan, performance standards for monitoring success of enhancement planting. The following elements shall be addressed:

- 1) Signs locations shall be shown on the final enhancement plans to promote public access to the shoreline and connections from the public streets and through the development. Wood split-rail fencing shall be shown on the plans to control pedestrian circulation and intrusions into the stream buffer areas.
- 2) Enhancement planting – Enhancement of the stream buffer area with native vegetation is required for the stream buffer reduction to improve the stream buffer functions over existing conditions. The amount of required buffer planting shall be based on IMC 18.10.790.4.C which requires native tree and shrub species to be planted at a minimum density of 10 feet on-center for trees and 5 feet on-center for shrubs. The enhancement plantings shall be spread over the stream buffer area in naturalistic clusters.
- 3) Performance Standards – The final stream buffer enhancement plans shall include performance standards to be used for monitoring the success of the enhancement planting. The performance standards shall be consistent with the stream buffer mitigation criteria in Chapter 18.10 of the Issaquah Municipal Code.
- 4) As-built plans of the buffer enhancement shall be provided to the Development Services Department (DSD) prior to final construction permit sign-off. The as-built plans shall show field changes to plant locations and plant substitutions. A qualified professional shall verify in writing that the enhancement plantings have been installed per the approved plans.
- 5) A (relocatable) public pedestrian access easement shall be granted to the City through the stream buffer area to allow for a possible future trail connection through the property.

- 6) A Native Growth Protection Easement (NGPE) is required to be recorded on the property title in order to protect the stream buffer area from development and alteration in perpetuity. The Development Services Department (DSD) can provide specific language for the NGPE. The NGPE easement language shall make provision for the public pedestrian access easement. The applicant shall record the NGPE with King County and provide a copy to DSD prior to final construction permit sign-off.
 - 7) Permanent survey stakes shall be set to demarcate the boundaries of the critical area buffer.
 - 8) A 5-year maintenance/monitoring period is required. The applicant shall provide a maintenance/monitoring bond equal to 50% of the cost of the plants, labor and 5-year monitoring/maintenance costs. The maintenance/monitoring bond shall be submitted to the Development Services Department (DSD) prior to final construction permit sign-off.
2. In order to avoid erosion and sedimentation impacts to critical areas, Temporary Erosion and Sedimentation Control Plans (TESC) shall be approved by the City prior to issuance of construction permits. Erosion controls shall be installed prior to beginning construction and shall be maintained for the duration of the construction.
 3. No trees shall be removed except as shown on the approved plans. Trees to be retained must be protected from construction activity with approved tree protection measures in place prior to any other construction or demolition activities. Tree protection measures may be installed in conjunction with TESC measures.
 4. Traffic – The proposal would generate approximately eighty-eight (88) new Average Daily Trips with four (4) new trips during the AM peak hour and eight (8) new trips during the PM peak hour. With the City's traffic concurrency system, development projects mitigate their impacts on the City street system with payment of traffic impact fees. The City utilizes traffic impact fees to construct identified road improvements to maintain adopted level of service (LOS) standards on a City-wide basis. The primary access would be through a 24-foot wide driveway off of SE 221st Street. The traffic generated would result in minor delays to turn movements at intersections and no mitigation is required beyond payment of Transportation Impact Fees.
 5. Bicycle and Pedestrian Facilities – The *Nexus Study for Bicycle and Pedestrian Facilities Mitigation Fees* (Henderson Young & Company, December 10, 2014) was adopted by the City Council, Ordinance #2733, effective February 2, 2015. The study quantifies the direct impact of new development on the current system of bicycle and pedestrian facilities and the additional demands from future growth to maintain the adopted level of service. The report uses trip generation rates based on the different land use types to quantify the impacts of new development. It also identifies 16 specific bicycle and pedestrian projects that are needed to support the City's level of service standard. Payment of mitigation fees as determined in the study may satisfy a development's requirement to mitigate their project impacts on the level of service standard. If the developer doesn't voluntarily use the methodology and mitigation fees as determined in the report, the developer may choose other methods to quantify and mitigate their impact including conducting a study of its impacts and identifying alternate means of mitigating impacts to achieve the adopted standards. The mitigation fee is presently \$2.29/SF for an orthodontist office. The mitigation fee will be assessed with issuance of building permits and the actual cost of the mitigation fee will be the adopted fee in effect at the time of permit issuance. Applicant objections to the voluntary payment should be made during the SEPA comment period.

6. Public Services - The proposal would have a potential impact on public services, including police and general government buildings. IMC Chapter 18.18, Methods to Mitigate Development Impacts, provides alternatives to mitigate for direct impacts of proposed development. The City may approve a voluntary payment in lieu of other mitigation. Rate studies for police facilities and general government buildings are included in IMC 18.10.260 as the City's SEPA policy base. The rate studies present the methodology and formulas for determining the amount of the mitigation fee commensurate with the proposed land use and project impacts. The applicant should mitigate for potential impacts on public services with a voluntary contribution in the amount of \$0.05011/SF of new building area for the General Government Buildings Mitigation Fee, and for the Police Mitigation Fee \$0.63892/SF. Applicant objections to the voluntary payment should be made during the SEPA comment period.

Mitigation Measures: The Mitigated Determination of Nonsignificance is based on the checklist received May 17, 2016 and supplemental information in the application. The following SEPA mitigation measures shall be deemed conditions of the approval of the licensing decision pursuant to Chapter 18.10 of the Issaquah Land Use Code. All conditions are based on policies adopted by reference in the Land Use Code.

1. The site plan shall be revised to fully eliminate or substantially reduce the proposed buffer to the North Fork of Issaquah Creek at the north part of the site. The stream buffer of the North Fork of Issaquah Creek is proposed to be reduced from 100 feet to 75 feet for the entire property. An applicant must first demonstrate that a site plan avoids and minimizes reductions to stream buffer width standards. The stream buffer reduction could be eliminated, in part, without impacting the site plan.
2. Final stream buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Enhancement plans shall be prepared by a qualified professional. Final plans shall include a detailed planting plan and performance standards for monitoring success of enhancement planting. The following elements shall be addressed:
 - 1) Signs locations shall be shown on the final enhancement plans to promote public access to the shoreline and connections from the public streets and through the development. Wood split-rail fencing shall be shown on the plans to control pedestrian circulation and intrusions into the stream buffer area.
 - 2) Enhancement planting – Enhancement of the stream buffer area with native vegetation is required for the stream buffer reduction to improve the stream buffer functions over existing conditions. The amount of required buffer planting shall be based on IMC 18.10.790.4.C which requires native tree and shrub species to be planted at a minimum density of 10 feet on-center for trees and 5 feet on-center for shrubs. The enhancement plantings shall be spread over the stream buffer area in naturalistic clusters.
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4. No trees shall be removed except as shown on the approved plans. Trees to be retained must be protected from construction activity with approved tree protection measures in place prior to any other construction or demolition activities. Tree protection measures may be installed in conjunction with TESC measures.
5. The applicant should mitigate for potential impacts on public services with a voluntary contribution in the amount of \$0.05011/SF of new building area for the General Government Buildings Mitigation Fee; \$0.63892/SF for the Police Mitigation Fee; and, \$2.33/SF for the Bike/Pedestrian (Non-motorized) Mitigation Fee. The impact fee costs will be determined based on the new building area approved in the building permit application. The applicant should pay the voluntary contribution prior to issuance of building permits.

Name/Position: Mike Martin, Associate Planner

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Date: 9/23/2016

Signature:



cc: Washington State Department of Ecology
Muckleshoot Indian Tribe
Snoqualmie Indian Tribe
U.S. Army Corps of Engineers
Washington State Department of Fish and Wildlife
Washington State Department of Archeology and Historic Preservation (DAHP)
Parties of Record
Issaquah Development Services Department
Issaquah Parks and Public Works Engineering Departments